

## Deposition of Rhonda Barnes, taken May 11, 2017

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1	IN THE UNITED STATES DISTRICT COURT	1	TABLE OF CONTENTS
2	FOR THE NORTHERN DISTRICT OF MISSISSIPPI	2	
3	OXFORD DIVISION	3	WITNESS
4	JAMES BENNY JACKSON	3	RHONDA BARNES
5	VS.	4	Examination by Ron Woodruff
6	OIL-DRI CORPORATION OF AMERICA AND	5	
7	BLUE MOUNTAIN PRODUCTION COMPANY	6	EXHIBITS
8	DEFENDANTS	6	(No Exhibits)
9	*****	7	
10	DEPOSITION OF RHONDA BARNES	8	
11	*****	9	
12		10	
13		11	
14		12	
15	TAKEN AT THE INSTANCE OF THE PLAINTIFF	13	
16	IN THE TIPPAH COUNTY CHANCERY COURT	14	
17	207 NORTH COMMERCE STREET, RIPLEY, MISSISSIPPI	15	
18	ON MAY 11, 2017, BEGINNING AT 1:00 P.M.	16	
19		17	
20	APPEARANCES NOTED HEREIN	18	
21		19	
22	Reported by: KATHRYN H. BOYER, CSR #1349	20	
23		21	
24	ADVANCED COURT REPORTING	22	
25	P.O. BOX 761	23	
	TUPELO, MS 38802-0761	24	
	(662) 690-1500	25	
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1	APPEARANCES:	1	RHONDA BARNES, after being duly sworn,
2	For the Plaintiff: RON L. WOODRUFF, Esquire	2	testified as follows:
3	Waide & Associates	3	
4	P.O. Box 1357	4	EXAMINATION
5	Tupelo, MS 38802-1357	5	BY MR. WOODRUFF:
6	(662) 842-7324	6	Q. Please state your full name for the record.
7	For the Defendants: ASHLEY E. CANNADY, Esquire	7	A. Rhonda Kay Barnes.
8	Balch & Bingham	8	Q. Ms. Barnes, where are you currently employed?
9	P.O. Box 22587	9	A. Oil-Dri Production and Blue Mountain
10	Jackson, MS 39225-2587	10	Production.
11	(601) 965-8180	11	Q. And what is your position?
12	Also Present: Benny Jackson, Amanda Hill	12	A. HR coordinator.
13		13	Q. And are you the coordinator for both
14		14	facilities?
15		15	A. Yes, sir.
16		16	Q. Do you have an office in both facilities?
17		17	A. Yes, sir.
18		18	Q. I'm sorry. Tell me again what your official
19		19	title is.
20		20	A. HR coordinator.
21		21	Q. As HR coordinator, what do you do?
22		22	A. New hires, termination paperwork, benefit
23		23	paperwork, that type stuff.
24		24	Q. Who is your -- who do you report to?
25		25	A. Amanda Hill.

EXHIBIT

tabbies

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ADVANCED COURT REPORTING  
662-690-1500

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<p>1     Q. How long have you had your current position?  2     A. Almost four years.  3     Q. So you would have had that position when  4     Ms. Hill became the regional?  5     A. That's when I moved into the position whenever  6     our other guy retired.  7     Q. And the other guy's name was?  8     A. Howell Duncan.  9     Q. How do you spell that?  10    A. Duncan, D-U-N-C-A-N.  11    Q. I knew that.  12    A. Howell.  13    Q. Oh. Powell?  14    A. Howell, H-O-W-E-L-L.  15    Q. Are you involved with the -- handling FMLA  16    leave?  17    A. Yes, sir.  18    Q. When someone requests FMLA leave, are you the  19    person who takes care of it for the company?  20    A. For our locations.  21    Q. Right.  22    A. Yes, sir.  23    Q. I imagine you ain't taking care of it for  24    Texas --  25    A. No.</p>	<p>1     A. (Witness nods head up and down).  2     Q. Is that yes? Yes?  3     A. Yes.  4     Q. All right. Now the second -- the last two  5     pages -- this is actually a different documentation,  6     isn't it?  7     A. That's rights and responsibilities.  8     Q. I'm sorry?  9     A. Rights and responsibilities under the FMLA  10    policy.  11    Q. And is this something you would fill out?  12    A. I fill out the information so the employee  13    knows his rights or her rights and responsibilities.  14    Q. And this is notifying that their request for  15    FMLA leave has been --  16    A. Approved or denied, one or the other. Yes.  17    Q. Do you know why he was taking FMLA leave? Why  18    Mr. Jackson was requesting FMLA leave?  19    A. Yes, sir. It was stated in that form there he  20    was having bronchial spasm problems.  21    Q. Did you have any conversation with Mr. Jackson  22    about the issues he was having that prompted him to  23    request his FMLA leave?  24    A. Yes. He came to me and asked me what his  25    options were. He was having some medical issues and I</p>
<p>1     Q. -- but for the two facilities in North  2     Mississippi --  3     A. Yes, sir.  4     Q. Does Ms. Hill review the documentation too or  5     you just totally take care of it?  6     A. Everything I process, I let her know.  7     Q. You let her know or do you show --  8     A. Forward it to her.  9     Q. You forward it to her, the documentation.  10    A. Once we get it.  11    Q. Gotcha. So let me show you Exhibit Number 1.  12    Take whatever time you need to look at this  13    documentation and let me know when you're ready.  14    A. (Witness reviewing document). Okay.  15    Q. Do you recognize this document?  16    A. Yes, sir.  17    Q. And it looks like you would send the  18    documentation you filled out to the doctor by fax in  19    this case?  20    A. I only send it by fax if it's requested by the  21    employee to do so.  22    Q. Okay. And it says, from -- to Dr. Wilons'  23    office concerning Benny Jackson. Please complete and  24    fax back. Looks like it was completed, faxed back to  25    you.</p>	<p>1     advised him of what we had and then what he was  2     eligible for, could apply for.  3     Q. Did he tell you his work environment was  4     causing problems for his health?  5     A. He told me he wasn't sure.  6     Q. Did he say he thought that was what's causing  7     his problems?  8     A. He told me he wasn't sure.  9     Q. He just said -- did you ask him, what's  10    causing your problems?  11    A. He just said he was having problems. He  12    wasn't sure what was causing it.  13    Q. Okay. Did you have any discussion -- and I'm  14    talking about in April -- around April when he was  15    asking for FMLA leave, any discussion about him moving  16    to another position?  17    A. He asked about positions that we had open and  18    if there were positions open, I would have told him  19    that he could apply.  20    Q. And you recall him asking about other  21    positions that were open.  22    A. At one point during his -- either preparing  23    for leave or on leave, yes, sir.  24    Q. Did you discuss an opening -- a potential  25    opening as a -- in the shipping department?</p>

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<p>1       A. Yes, sir.</p> <p>2       Q. And my understanding is they were adding a 3       couple new positions in the shipping department?</p> <p>4       A. Correct.</p> <p>5       Q. Do you recall telling him that he wouldn't 6       want that because it would be a cut in pay?</p> <p>7       A. I never told him he wouldn't want it. I don't 8       know what he would want. I told him what we would 9       have.</p> <p>10      Q. Did you tell him it would be a cut in pay?</p> <p>11      A. It would be a cut in pay.</p> <p>12      Q. My question is: Did you tell him it would be 13      a cut in pay?</p> <p>14      A. I told him it was a different job grade.</p> <p>15      Q. Okay. And it would be -- it would pay less 16      money?</p> <p>17      A. Each grade that's below where you're at, 18      that's just -- yes, pays less money.</p> <p>19      Q. Okay.</p> <p>20      A. I don't recall telling him or advising him 21      anything any different. It'll be posted.</p> <p>22      Q. What efforts did you take in April of 2015 to 23      accommodate his disability?</p> <p>24      MS. CANNADY: Objection. You can answer.</p> <p>25      A. I gave him his FMLA paperwork and his</p>	<p>1       A. -- he would have had opportunity to --</p> <p>2       Q. Ma'am, that was not my question. Let me 3       repeat it one more time. I didn't say, did he ask you 4       for a transfer. My question was: Did he ask you about 5       transferring --</p> <p>6       A. No.</p> <p>7       Q. -- to -- so your testimony here under oath, 8       that he never had any discussion with you before he 9       went out on leave about transferring to another position.</p> <p>10      A. I don't recall him asking me about 11      transferring to any other open position.</p> <p>12      Q. And during the time he was out on leave, did 13      you have any discussion with him about potentially 14      transferring to another position?</p> <p>15      A. I don't recall that. Anything while he was on 16      leave discussing coming back to work was our concern.</p> <p>17      Q. I thought you just said -- I thought you just 18      testified a few minutes ago that you discussed moving 19      to the shipping clerk position.</p> <p>20      A. The shipping clerk position was the only thing 21      we talked about that we had open. That's it.</p> <p>22      Q. Okay. Did you -- did he ever mention that 23      he -- about --</p> <p>24      A. I thought we had that clear. Sorry.</p>
<p style="text-align: center;">Page 10</p> <p>1       short-term disability paperwork. That's what he 2       requested.</p> <p>3       Q. (Mr. Woodruff) Anything else?</p> <p>4       A. That's what he requested.</p> <p>5       Q. Well, he was asking you also about 6       transferring to another position, wasn't he?</p> <p>7       A. Not while he was currently working.</p> <p>8       Q. Well, what -- after he asked you about 9       transferring to other positions, what effort did you 10      make to accommodate transferring him to another 11      position?</p> <p>12      MS. CANNADY: Objection. You can answer.</p> <p>13      A. You're asking me -- he was on leave. He 14      wasn't currently working.</p> <p>15      Q. (Mr. Woodruff) Let's break it down. Before 16      his FMLA started -- I believe it was around April 23rd, 17      right around there -- did you have any discussions with 18      him about -- did he ask you about transferring to 19      another position?</p> <p>20      A. He never asked for a transfer, no, sir.</p> <p>21      Q. My question is: Did he ask you about 22      transferring to another position?</p> <p>23      A. He never asked for a transfer. If we had an 24      open job --</p> <p>25      Q. Ma'am --</p>	<p style="text-align: center;">Page 12</p> <p>1       Q. Did -- well, what I didn't understand was 2       when. I was trying to understand when you had that 3       discussion with -- was that discussion prior to him 4       going on leave or while he was out on leave?</p> <p>5       A. When he came to me with a medical condition, 6       his concern was leave.</p> <p>7       Q. Gotcha. When did you have the discussion 8       about the shipping clerk position?</p> <p>9       A. I don't recall a specific date.</p> <p>10      Q. Would it --</p> <p>11      A. It would have been in the time frame that we 12      had those job openings. A specific date, I don't know.</p> <p>13      Q. Would it have been before he'd gone on leave?</p> <p>14      A. I don't recall a specific date.</p> <p>15      Q. All right. Did you ever have any discussions 16      with him about moving to a forklift driver position?</p> <p>17      A. We didn't have any forklift driver positions 18      open.</p> <p>19      Q. I understand. My question, though, is: Did 20      you have any conversation with Mr. Jackson about moving 21      to a forklift position?</p> <p>22      A. If we would have had a conversation -- I don't 23      recall that exact conversation, but if we would have 24      had a conversation, we just had a conversation about 25      what we -- what jobs we had open.</p>

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<p>1       Q. Okay. So you don't recall whether or not --  2       A. I can't move someone where there's not a job.  3       Q. I understand, ma'am. I'm asking you very  4       specific questions about conversations and I'm just  5       trying to get your testimony under oath because --  6       A. Yeah.  7       Q. -- Mr. Jackson's testified under oath about  8       conversations, so I want to know pretty much whether or  9       not you are going to admit you had those conversations  10      or basically claim that those conversations didn't  11      exist.  12      <b>MS. CANNADY:</b> Objection, but if you can  13      answer.  14      Q. (Mr. Woodruff) That wasn't a question. That  15      was explaining the process because we seem to be, like,  16      butting heads here and not getting too much done, so  17      let's see -- let me try it again. Did you have a  18      conversation with Mr. Jackson -- do you recall having a  19      specific conversation with Mr. Jackson about  20      transferring to a forklift driving job?  21      A. I do not recall that.  22      Q. Fair enough. Do you recall any other  23      conversations you had with him while he was out on  24      leave?  25      A. We had conversations while he was on leave.</p>	<p>1       Q. Let me show you what's been introduced as  2       Exhibit Number 2. Have you ever seen this document  3       here?  4       A. Yes, sir.  5       Q. Had you ever heard about a rule whereby you  6       could not transfer to a lateral position? You could  7       only put in a bid for a promotion position.  8       A. We follow what our policies are.  9       Q. Ma'am, my question is: Have you ever heard  10      about Oil-Dri having a policy that you could only apply  11      for a lateral position and -- you could not apply for a  12      lateral position. You could only put in a bid for a  13      promotion position.  14      A. Okay. To clarify, you can bid on anything you  15      want regardless of whether it's lateral, up, down. You  16      can bid on anything you want. That's your right as an  17      employee.  18      Q. Even a demotion.  19      A. You can bid on anything you want.  20      Q. You don't have to get permission from the  21      plant manager; is that correct?  22      A. To bid, you can bid on anything you want.  23      Q. All right. And you said that Mr. Jackson had  24      to keep you informed of his visits to the doctor when  25      he was gone.</p>
<p style="text-align: center;">Page 14</p> <p>1       Q. How many conversations did you have?  2       A. A specific number, I couldn't tell you.  3       Anytime someone's on leave, I try to touch base with  4       them as often as possible and I ask, as you will see in  5       the paperwork, anytime you go to the doctor, I have to  6       have documentation to support the continuation of your  7       leave.  8       Q. And so, you -- would these conversations be in  9       person or by phone?  10      A. Both.  11      Q. With Mr. Jackson, were they in person or by  12      phone?  13      A. Both.  14      Q. All right. Tell me what you recall about any  15      of those conversations you had with him while he was  16      out on leave.  17      A. We would just discuss how he was doing and  18      what his plans were.  19      Q. And what, if anything, did he tell you about  20      what his plans were and how he was doing?  21      A. He was uncertain until a specific date.  22      Q. During that period of time, did he ever tell  23      you that the doctor said he can't go back and work at  24      that same work area that he was working in?  25      A. I don't recall that conversation.</p>	<p style="text-align: center;">Page 16</p> <p>1       A. Correct. Per paperwork. That's stated in  2       FMLA paperwork.  3       Q. All right. And let me show you what's part of  4       the medical records from Dr. Wilons about his visit on  5       7-15. Do you recall receiving that regarding  6       Mr. Jackson?  7       A. (Witness reviewing document). Yes, sir. We  8       received a documentation stating that he did go to the  9       doctor that day. Whether this is the exact form -- I  10      mean, we're talking two years ago, so I mean -- but I  11      remember seeing a form to release him from his doctor  12      stating he could come back to work.  13      Q. This is a document provided by Dr. Wilons with  14      a certification of authenticity from his office.  15      A. Uh-huh (indicating yes).  16      Q. Do you have any reason to doubt this is an  17      authentic document?  18      A. No, sir.  19      Q. Okay. And do you see it talks about dust and  20      chemicals in there?  21      A. I see that.  22      Q. Okay. And going back to the request for FMLA  23      leave, Dr. Wilons does talk about being chronic  24      congestive; is that correct? Does he use the term  25      "chronic"?</p>

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<p>1       A. That's what the doctor used. I'm not a 2       doctor. I can't say anything. I just know what the 3       doctor's got on the FMLA papers. We granted him his 4       leave. What's the issue?</p> <p>5       Q. The issue is I'm doing a deposition, ma'am, 6       and I'm asking you questions under oath and I expect 7       you to answer them.</p> <p>8       A. I did, but I mean, I'm telling you it's right 9       there. You know what the doctor wrote. I'm not a 10      doctor.</p> <p>11      Q. You just trying to be a smart ass or what?</p> <p>12      A. No. I'm just telling you it's right there.</p> <p>13      Q. I understand what's there. It's called making 14      a record. If you go to law school, you'll understand 15      what I'm doing.</p> <p>16      A. Okay. If you work in my department, you'll 17      understand what I'm doing.</p> <p>18      Q. I don't know what you do --</p> <p>19      A. Okay.</p> <p>20      Q. -- because I don't work in your department.</p> <p>21      A. Okay. And I'm not a lawyer, so there we go.</p> <p>22      Q. There we go. So we'll see if we can get 23      through this. And it says: He needs to be removed 24      from his work environment to avoid exposure to dust, 25      doesn't it?</p>	<p>1       to be removed from his work environment to avoid 2       exposure to dust.</p> <p>3       A. Yes.</p> <p>4       Q. And whatever time you got these documents 5       back, which is -- the doctor's dated 5-8, so we know 6       it'd be sometime after 5-8; is that correct?</p> <p>7       A. Correct.</p> <p>8       Q. Was Mr. Jackson qualified to be a forklift 9       driver?</p> <p>10      A. I don't do qualification tests. All I can 11      tell you is the job he did. That's it. I'm not the 12      one that qualifies him for a forklift test.</p> <p>13      Q. Does a person have to be qualified to be a 14      forklift driver?</p> <p>15      A. Every job that we have has requirement 16      specifications.</p> <p>17      Q. Who makes the decision whether he would be 18      qualified to be a forklift driver?</p> <p>19      A. You would have to apply -- I mean, you would 20      have to do whatever's required for that specific job 21      and it would be the supervisor in that area.</p> <p>22      Q. Okay. And who was the supervisor over the 23      forklift drivers between April of 2015 and July of 24      2015?</p> <p>25      A. I'm not certain, but I think it was Charles</p>
<p>1       A. And he was. He took leave.</p> <p>2       Q. I'm just asking -- the question, ma'am, is: 3       Is that what that says?</p> <p>4       A. That's what it says.</p> <p>5       Q. And you read this before you approved his FMLA 6       leave; is that correct? You reviewed this document 7       before you did --</p> <p>8       A. Here's the thing. The document states --</p> <p>9       Q. Ma'am, answer my question yes or no. Did --</p> <p>10      A. Can I review these documents?</p> <p>11      Q. Take whatever time you need.</p> <p>12      A. Okay.</p> <p>13      Q. But then you need to answer my question.</p> <p>14      A. I will answer your question, but I gotta see 15      when I gave him his paperwork. Okay? Because as an 16      employee, a full-time employee, you have the right to 17      FMLA. We have to have paperwork after that date. On 18      4-27, he came to me informing me that he needed leave 19      beginning on 4-27. No. I did not receive those papers 20      on 4-27. I received them afterwards. You have a 21      certain amount of time to get them back to us.</p> <p>22      Q. And you did receive this and you did read 23      this; is that correct?</p> <p>24      A. Yes.</p> <p>25      Q. So you knew that his doctor had -- wanted him</p>	<p>1       Davis.</p> <p>2       Q. Were you -- were you aware of whether or not 3       Mr. Jackson drove a -- had to be able to drive a 4       forklift in order to be a lab technician?</p> <p>5       A. No, sir.</p> <p>6       Q. Have you ever looked at the lab technician job 7       description?</p> <p>8       A. Yes, sir.</p> <p>9       Q. And can you tell me what it says for number 10      2.15.</p> <p>11      A. Okay.</p> <p>12      Q. Can you tell me what it says.</p> <p>13      A. Retrieve additives from warehouse with 14      forklift.</p> <p>15      Q. Do you agree that it's part of his job 16      description as a lab technician to --</p> <p>17      A. It's part of a lab technician's job to --</p> <p>18      Q. Let me finish --</p> <p>19      A. -- drive a forklift according to that.</p> <p>20      Q. Let me finish my question, please. Would you 21      agree that part of his job description is he has to be 22      able to drive a forklift?</p> <p>23      A. That's part of the job specifications.</p> <p>24      Q. Let me show you Exhibit Number 11. Who puts 25      out these job -- are you involved in putting out these</p>

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<p>1 job bid forms?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are you the person who does that or is it</p> <p>4 someone else?</p> <p>5 A. It's either Amanda Hill or myself. It's HR.</p> <p>6 It's an HR function.</p> <p>7 Q. So it'd be one -- either one of you two?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you know whether or not this first page,</p> <p>10 which is JBJ52, whether or not it was you or Ms. Hill</p> <p>11 that put that out?</p> <p>12 A. I can't recall. That was over two years ago.</p> <p>13 It's an HR function. One of us put it out. That's all</p> <p>14 I know.</p> <p>15 Q. And this is for -- there's two different jobs</p> <p>16 here. One is for a daytime, one's for a nighttime</p> <p>17 shipping/receiving clerk; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you recall when -- according to discovery</p> <p>20 responses, Kristen Knight was hired for the day shift</p> <p>21 and Sheena (phonetic) Echols was hired for the night</p> <p>22 shift. Do you know when they were hired?</p> <p>23 A. Specific hire dates, no, sir.</p> <p>24 MR. WOODRUFF: All right. We're going to</p> <p>25 request that in discovery. You didn't put that in the</p>	<p>1 A. Okay.</p> <p>2 Q. If it's about the process, I'll be happy to</p> <p>3 answer your question, but if it's --</p> <p>4 A. Why are we questioning this because --</p> <p>5 MS. CANNADY: Let Mr. Woodruff ask the</p> <p>6 questions.</p> <p>7 A. Okay. All right. Okay. Sorry.</p> <p>8 Q. (Mr. Woodruff) All right. Let me ask you</p> <p>9 about -- according to responses in discovery,</p> <p>10 interrogatories, Kristen Knight and Sheena (phonetic)</p> <p>11 Echols were hired to be shipping/receiving clerks,</p> <p>12 right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And we asked about any people hired -- hired</p> <p>15 or transferred in to be forklift drivers and Justin</p> <p>16 Tidwell was hired on July 15th. Cody Lansdale was</p> <p>17 hired on July 30th. Jason Hall was hired on</p> <p>18 October 1st.</p> <p>19 A. Uh-huh (indicating yes).</p> <p>20 Q. Zachary Pannell was hired on October 19th.</p> <p>21 And Don Medlock, M-E-D-L-O-C-K, was hired on</p> <p>22 December 15, 2015. Do you have any reason to doubt</p> <p>23 that?</p> <p>24 A. No, sir.</p> <p>25 Q. So was Mr. Jackson ever notified that -- about</p>
<p style="text-align: center;">Page 22</p> <p>1 discovery responses.</p> <p>2 Q. (Mr. Woodruff) Would you agree that this bid</p> <p>3 was put out on April 16th, 2015?</p> <p>4 A. Yes, sir.</p> <p>5 Q. How long is the process generally for a --</p> <p>6 from the time a job is bid out before people are</p> <p>7 interviewed and someone selected? How long's this</p> <p>8 process generally take?</p> <p>9 A. We have a process and we follow our process.</p> <p>10 Q. My question is: How long does the process</p> <p>11 generally --</p> <p>12 A. Can I refer to a document that you gave me on</p> <p>13 a transfer job posting?</p> <p>14 Q. Sure. Is that Number 2? You can look at any</p> <p>15 document that would help refresh your recollection.</p> <p>16 A. And as it states here in 6-1: Under normal</p> <p>17 circumstances, job postings will be posted for a</p> <p>18 minimum of four working days. The process would have</p> <p>19 been followed.</p> <p>20 Q. Okay. And wouldn't you agree that these were</p> <p>21 posted within a few -- within two weeks of Mr. Jackson</p> <p>22 requesting FMLA leave?</p> <p>23 A. Yes, sir, because the date on his paperwork</p> <p>24 was 4-27. What's -- can I ask a question? No?</p> <p>25 Q. Unless it's about the process --</p>	<p style="text-align: center;">Page 24</p> <p>1 these forklift postings?</p> <p>2 A. Mr. Jackson retired on July 15th.</p> <p>3 Q. My question was: Was he ever notified about</p> <p>4 these forklift postings?</p> <p>5 MS. CANNADY: Objection. You can answer</p> <p>6 if you know.</p> <p>7 Q. (Mr. Woodruff) I know when he retired. I've</p> <p>8 got the documentation. I'm asking you --</p> <p>9 A. I don't recall.</p> <p>10 Q. All right. So you don't recall. You think</p> <p>11 you might have notified him if there was --</p> <p>12 A. I don't recall. That's my answer.</p> <p>13 Q. All right. And you understand you're under</p> <p>14 oath, right?</p> <p>15 A. I know I'm under oath. Yes, sir.</p> <p>16 Q. And if you say you don't recall when you do</p> <p>17 recall, that would be perjury.</p> <p>18 A. I don't recall or I would not say, I don't</p> <p>19 recall.</p> <p>20 MS. CANNADY: Ron, she's already answered</p> <p>21 that for you twice and she took the oath. There's no</p> <p>22 indication that she's not being truthful.</p> <p>23 MR. WOODRUFF: None at all.</p> <p>24 Q. (Mr. Woodruff) All right. What did you do to</p> <p>25 engage in the interactive process to try to find</p>

## Deposition of Rhonda Barnes, taken May 11, 2017

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<p>1       Mr. Jackson a position at the Oil-Dri plant in Blue 2       Mountain?</p> <p>3       A. I did everything from his leave that he asked 4       me to do.</p> <p>5       Q. All right. My question is: Did you make any 6       effort whatsoever to have conversations with him about 7       jobs he could perform at the plant?</p> <p>8       A. When an employee is on leave, they're on 9       leave.</p> <p>10      Q. How many times you want me to ask the 11      question?</p> <p>12      A. How many times you want me to answer it? When 13      somebody's on leave, I can't offer them a job. They're 14      on leave.</p> <p>15      Q. I want -- I didn't ask you about offering a 16      job. My question --</p> <p>17      A. That's what you asked me. What accommodations 18      did I make to give him a job? He was on leave.</p> <p>19      Q. Are you done?</p> <p>20      A. I'm done.</p> <p>21      Q. My question was -- and I'll say it very slow. 22      What efforts did you make to engage in an interactive 23      process between you and Mr. Jackson to attempt to find 24      him a job he could do at the factory?</p> <p>25      A. Mr. Jackson didn't ask me for another job. He</p>	<p>1       Q. (Mr. Woodruff) All right. Fair enough. Do 2       you recall having a conversation with Mr. Jackson on or 3       about July 15, 2015?</p> <p>4       A. Yes, sir.</p> <p>5       Q. Was it by phone or in person?</p> <p>6       A. By phone.</p> <p>7       Q. And tell me what you recall about that 8       conversation.</p> <p>9       A. He called me and told me he was leaving his 10      doctor. He was fully released and that he wanted to 11      retire.</p> <p>12      Q. He told you he wanted to retire?</p> <p>13      A. Yes.</p> <p>14      Q. Did he ever tell you that he couldn't go back 15      to work and his doctor would not release him to go back 16      to his position that he was working at the time he 17      left?</p> <p>18      A. He told me he was fully released, but he 19      wanted to retire.</p> <p>20      Q. And any other -- anything else he told you at 21      that time?</p> <p>22      A. I don't recall. That's all I recall from that 23      conversation.</p> <p>24      Q. All right. Do you recall him ever telling you 25      he could not go back and work his job as a lab tech</p>
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<p>1       asked to retire.</p> <p>2       Q. Yes or no, did you engage in any interactive 3       process with Mr. Jackson in order to try to find him a 4       job in the factory?</p> <p>5       MS. CANNADY: I'm going to object. She's 6       answered your question.</p> <p>7       MR. WOODRUFF: No. She didn't answer the 8       question.</p> <p>9       MS. CANNADY: Yes, she did.</p> <p>10      MR. WOODRUFF: She --</p> <p>11      MS. CANNADY: The interactive process, as 12      you know, can involve a lot of things. She told you 13      what she did.</p> <p>14      Q. (Mr. Woodruff) All right. Is that all you 15      did was not offer him a job?</p> <p>16      A. I did not say that.</p> <p>17      Q. All right. Well, your testimony will speak 18      for itself. Other than what you've already testified, 19      did you do anything else to engage in the interactive 20      process in order to try to find Mr. Jackson a job at 21      the factory?</p> <p>22      MS. CANNADY: Same objection.</p> <p>23      Q. (Mr. Woodruff) You can answer.</p> <p>24      MS. CANNADY: Answer if you can.</p> <p>25      A. I can't recall.</p>	<p>1       because of his lung condition at anytime?</p> <p>2       A. The last conversation that I had with him in 3       regards to his job was that he was fully released and 4       he wanted to retire. That's all I recall.</p> <p>5       Q. So you don't recall whether or not at anytime 6       -- not the last conversation -- anytime did he ever 7       tell you his doctor said he couldn't go back and work 8       that position?</p> <p>9       A. Besides the point where he took leave. But he 10      did say -- I do not recall the fact that he said he 11      could never do it. He just could not do it for awhile 12      based on the documents submitted under FMLA.</p> <p>13      Q. Do you recall on July 15th telling him that 14      because he was 65 -- 62 and sick and 15 years fully 15      vested, he could retire with a pension?</p> <p>16      A. No, sir.</p> <p>17      Q. Did you have any discussion with him on or 18      about July 15th about him getting --</p> <p>19      A. I told him he needed to come fill out an 20      application for retirement. As far as the pension, I 21      don't handle that.</p> <p>22      Q. So you never suggested to him that he might 23      qualify for a pension?</p> <p>24      A. I told him he could submit the application to 25      determine the pension process. It is a process. We</p>

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<p>1 give them an application to fill out. Corporate 2 calculates pension eligibility, not us.</p> <p>3 Q. Would that be -- Exhibit 13 would be the 4 document he filled out?</p> <p>5 A. That's correct.</p> <p>6 Q. Exhibit 14 is the short-term disability claim. 7 Would you be the person for Oil-Dri that would handle 8 that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And it looks like this was filled out, signed 11 by Mr. Jackson on 5-5-15 and the last page is from the 12 doctor. Do you recall receiving this document 13 concerning his -- his request for short-term 14 disability?</p> <p>15 A. Yes, sir. I received his short-term 16 disability documents.</p> <p>17 Q. So you received this document here.</p> <p>18 A. Yes, sir.</p> <p>19 Q. And can you tell me what you think the doctor 20 said in this box right here (indicating).</p> <p>21 A. I can't read the doctor's writing. I mean, I 22 can't tell you word for word what that says.</p> <p>23 Q. Did you call the doctor and find out what he 24 said there if you couldn't read it?</p> <p>25 A. That's not my job. Short-term disability is</p>	<p>1 A. Okay. That's the date the document was faxed 2 back.</p> <p>3 Q. 5-6, 2015.</p> <p>4 A. That's when it was faxed to --</p> <p>5 Q. There's a date up here, looks like a fax date 6 and it looks like it was faxed to Blue Mountain 7 Production.</p> <p>8 A. Okay. Well, I --</p> <p>9 Q. Is that the fax number for Blue Mountain 10 Production, 662-685-4386?</p> <p>11 A. What I sign is what I'm stating. I'm not 12 signing to what the doctor states.</p> <p>13 Q. Ma'am, my question is: Is that the fax number 14 for --</p> <p>15 A. That's our fax number, but you asked me did I 16 sign this. I sign what I fill out. I don't sign what 17 the doctor does because I'm not a medical professional. 18 I sign that I'm stating here my correct title and what 19 he does. I'm not signing to what the doctor states.</p> <p>20 Q. Would you agree that this was, according to 21 this document, faxed to Blue Mountain Production on 22 5-6, 2015, from the --</p> <p>23 A. If that's what that says. If that's what it 24 says, it was faxed to us then.</p> <p>25 Q. And if it was faxed to Blue Mountain</p>
<p style="text-align: center;">Page 30</p> <p>1 handled through an outside source. It's not my job to 2 determine their medical condition.</p> <p>3 Q. Who handles that?</p> <p>4 A. That company.</p> <p>5 Q. Mutual of Omaha?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you did review this document when he 8 submitted the application before it went to Mutual of 9 Omaha?</p> <p>10 A. Instructions on the form says: When document 11 is complete, the doctor sends it to them.</p> <p>12 Q. Okay. So do you recall whether or not you 13 ever saw this page of this document here?</p> <p>14 A. We request a copy for our file, for records, 15 but we don't determine their short-term disability 16 eligibility or denial.</p> <p>17 Q. So you --</p> <p>18 A. We do not determine that.</p> <p>19 Q. But you did receive -- in fact, that's your 20 signature --</p> <p>21 A. I sign it before I give it to the employee.</p> <p>22 Q. Let me finish my question, please. That is 23 your signature; is that correct?</p> <p>24 A. What's the date on the document?</p> <p>25 Q. It has your name and it's 5-15-15.</p>	<p style="text-align: center;">Page 32</p> <p>1 Production, would you have received this?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Would you have reviewed it once you received 4 it?</p> <p>5 A. I would have put it in his file. Would have 6 reviewed and put it in his file.</p> <p>7 Q. Do you recall any discussions in August of 8 2015 about whether or not Mr. Jackson was eligible for 9 early retirement pension?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Have you ever seen this document here 12 (indicating)?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And that was, in fact, sent to you; is that 15 correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you have any conversations with Mr. Lange 18 about whether or not Benny Jackson qualified for early 19 retirement benefits?</p> <p>20 A. When an application is processed, it's 21 forwarded to corporate. The only thing that we do is 22 the application. Corporate determines the benefits 23 side of it. Mr. Lange, as you see, sent this to me.</p> <p>24 Q. My question --</p> <p>25 A. He sent an e-mail.</p>

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<p>1       Q. My question to you is --</p> <p>2       A. That's his explanation to me.</p> <p>3       Q. I understand. I can see the e-mail sent to</p> <p>4       you. My question is: Did you have any conversation</p> <p>5       with Mr. Lange about Mr. Jackson's request for early</p> <p>6       retirement benefits?</p> <p>7       A. We would have -- he sent me the e-mail. He</p> <p>8       called me to say, I'm sending you the e-mail. I'm sure</p> <p>9       -- I mean, I don't recall an exact conversation about</p> <p>10      it, but I'm sure if he sent this to me, then --</p> <p>11      Q. After he sent the e-mail, did you have any</p> <p>12      conversations with Mr. Lange about early retirement</p> <p>13      benefits?</p> <p>14      A. I don't recall.</p> <p>15      Q. Let me show you Exhibit Number 18. Do you</p> <p>16      recognize this document?</p> <p>17      A. (Witness reviewing document). Can I refer</p> <p>18      back to this document?</p> <p>19      Q. You can look at anything you need to to answer</p> <p>20      these questions.</p> <p>21      A. I received that document on the 26th. This</p> <p>22      document is dated the 25th. Okay. Yes, sir.</p> <p>23      Q. It's from you, right?</p> <p>24      A. Right.</p> <p>25      Q. And it's to --</p>	<p>1       A. The article was -- I'm almost certain was in</p> <p>2       the newsletter. Like I said, I'm sorry, it was two</p> <p>3       years ago. I can't really remember, but I remember us</p> <p>4       taking a picture and submitting it.</p> <p>5       Q. That's why we depose people because a lot of</p> <p>6       times when we depose them, it's several -- may be a</p> <p>7       couple of years after the facts and I just want to know</p> <p>8       what you can testify as you're sitting here today</p> <p>9       because we'll assume that that's what you'll testify to</p> <p>10      at trial if we call you at trial.</p> <p>11      A. Okay.</p> <p>12      Q. I understand that nobody's got perfect memory.</p> <p>13      I just want to know what you know as you're sitting</p> <p>14      here today.</p> <p>15      A. Okay.</p> <p>16      Q. Have you ever seen this document here before,</p> <p>17      Ms. Barnes?</p> <p>18      A. Yes, sir. I do recall seeing that.</p> <p>19      Q. Okay. Show you what's been introduced as</p> <p>20      Exhibit Number 20, a meeting between Ms. Hill and Ron</p> <p>21      Parks on, I believe, 9-23-15. Were you involved in</p> <p>22      that meeting?</p> <p>23      A. No, sir.</p> <p>24      Q. Did you ever have any discussions with</p> <p>25      Ms. Hill or Mr. Parks about what was discussed in that</p>
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<p>1       A. Mr. Benny.</p> <p>2       Q. Benny Jackson.</p> <p>3       A. Yes, sir.</p> <p>4       Q. And tell me, what was the purpose of this</p> <p>5       document?</p> <p>6       A. I have to submit an article to the newsletter</p> <p>7       about your retirement. When an employee retires, we</p> <p>8       put an article in our corporate newsletter along with</p> <p>9       their photo and their plans for retirement.</p> <p>10      Q. Would that be for any --</p> <p>11      A. That would be for any person retiring that</p> <p>12      wishes to have it submitted.</p> <p>13      Q. Do they have a choice of whether they want it</p> <p>14      submitted or not?</p> <p>15      A. They can say they don't want it.</p> <p>16      Q. Do you recall whether you received an answer</p> <p>17      from Mr. Jackson on that?</p> <p>18      A. I don't recall.</p> <p>19      Q. Exhibit Number 19, have you ever seen this</p> <p>20      document before?</p> <p>21      A. Can I say something? Can I, like, scratch</p> <p>22      that and -- I did talk to him about it because he was</p> <p>23      supportive of it. He actually allowed us to take a</p> <p>24      picture and do an article.</p> <p>25      Q. Do you recall whether it was submitted?</p>	<p>1       meeting?</p> <p>2       A. I was not involved in that meeting.</p> <p>3       Q. My question is: Did you have any</p> <p>4       conversations with Ms. Hill or Ms. -- Ms. Hill or</p> <p>5       Mr. Parks about what was discussed in that meeting?</p> <p>6       A. No, sir. Amanda -- well, let me rephrase it.</p> <p>7       Amanda told me they were meeting with him and that he</p> <p>8       was getting back to them. That's all I knew.</p> <p>9       Q. That he was getting -- I didn't understand</p> <p>10      what you said.</p> <p>11      A. He would let them know his decision. He was</p> <p>12      getting back to them.</p> <p>13      Q. Gotcha. So that would have been after the</p> <p>14      meeting.</p> <p>15      A. That would have been -- she let me know prior</p> <p>16      to the meeting that they were meeting because I do</p> <p>17      report to her and we have that communication, but as</p> <p>18      far as any facts in that, I don't know.</p> <p>19      Q. Exhibit Number 21, have you ever seen this</p> <p>20      document before?</p> <p>21      A. I don't recall seeing this document, this</p> <p>22      actual document.</p> <p>23      Q. Were you aware -- did you have any</p> <p>24      conversation --</p> <p>25      A. I did know. She told me because I had to</p>

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<p style="text-align: center;">Page 37</p> <p>1 process anything that we had to process on our end, but    2 at that point, he was already -- but she did let me    3 know. We work together. We're a team. So she did let    4 me know that he wasn't coming back.</p> <p>5 Q. Gotcha. And that would have been after this    6 9-30 --</p> <p>7 A. After her meeting. Yes, sir.</p> <p>8 MR. WOODRUFF: Give us just a second.</p> <p>9 (After a recess, the deposition continued    10 as follows:)</p> <p>11 MR. WOODRUFF: Thank you, Ms. Barnes. I    12 have no other questions. I tender the witness.</p> <p>13 MS. CANNADY: I have no questions.</p> <p>14 (Whereupon, the deposition was concluded    15 at 1:44 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 39</p> <p>1 IN THE UNITED STATES DISTRICT COURT    2 FOR THE NORTHERN DISTRICT OF MISSISSIPPI    3 OXFORD DIVISION</p> <p>4 JAMES BENNY JACKSON PLAINTIFF    5 VS. NO. 3:16CV189-DMB-RP</p> <p>6 OIL-DRI CORPORATION OF AMERICA AND    7 BLUE MOUNTAIN PRODUCTION COMPANY DEFENDANTS</p> <p>8 CERTIFICATE    9 I, Rhonda Barnes, have read the foregoing pages, 1-38,    10 of the transcript of my deposition given on May 11, 2017, and    11 it is true, correct and complete to the best of my knowledge,    12 recollection and belief except for the list of corrections, if    13 any, attached on a separate sheet herewith. Witness my hand,    14 this the _____ day of _____, 2017.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____ Rhonda Barnes</p> <p>19</p> <p>20 CERTIFICATE    Subscribed and sworn to before me, this the    21 _____ day of _____, 2017.</p> <p>22</p> <p>23 Notary Public in and for the    County of _____</p> <p>24 My Commission State of Mississippi    Expires: _____</p> <p>25</p>
<p style="text-align: center;">Page 38</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF MISSISSIPPI )</p> <p>4 COUNTY OF CHICKASAW )</p> <p>5 RE: ORAL DEPOSITION OF RHONDA BARNES</p> <p>6</p> <p>7 I, Kathryn H. Boyer, CSR #1349, a Notary Public within    8 and for the aforesaid county and state, duly commissioned and    9 acting, hereby certify that the foregoing proceedings were    10 taken before me at the time and place set forth above; that    11 the statements were written by me in machine shorthand; that    12 the statements were thereafter transcribed by me, or under my    13 direct supervision, by means of computer-aided transcription,    14 constituting a true and correct transcription of the    15 proceedings; and that the witness was by me duly sworn to    16 testify to the truth and nothing but the truth in this cause.</p> <p>17 I further certify that I am not a relative or employee    18 of any of the parties, or of counsel, nor am I financially or    19 otherwise interested in the outcome of this action.</p> <p>20 Witness my hand and seal on this 3rd day of June,    21 2017.</p> <p>22</p> <p>23</p> <p>24 My Commission Expires: CSR #1349</p> <p>25 June 25, 2019 Notary Public</p>	<p style="text-align: center;">Page 40</p> <p>1 ADVANCED COURT REPORTING    P.O. BOX 761    TUPELO, MISSISSIPPI 38802-0761    3 CORRECTION LIST    James Benny Jackson vs. Oil-Dri Corporation of America and    Blue Mountain Production Company    Federal - No. 3:16CV189-DMB-RP</p> <p>5</p> <p>6 May 11, 2017 Rhonda Barnes</p> <p>7 DATE OF DEPOSITION DEPONENT'S NAME    PAGE LINE CORRECTION REASON</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Rhonda Barnes</p>